

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 607 - SB 673

March 18, 2009

SUMMARY OF BILL: Requires an offender convicted of the Class B felony offense of aggravated robbery committed with a firearm if the offender has a prior conviction for a dangerous felony as defined in Tenn. Code Ann. § 39-17-1324(i) to serve a mandatory minimum of 75 percent of the sentence imposed. If the offender has a prior conviction for any felony, the offender would be required to serve a mandatory minimum of 60 percent of the sentence imposed.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,808,500/Incarceration*

Assumptions:

- The Class B felony of aggravated robbery is defined as robbery accomplished with a deadly weapon or display of any article used to lead the victim reasonably to believe it is a deadly weapon, or where the victim suffers serious bodily injury.
- According to the Department of Correction (DOC), for the period FY97-98 through FY07-08, 41 percent of admissions were violators returning to prison. According to DOC, there has been an average of 671 admissions for aggravated robbery in each of the past 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 71 additional offenders in the tenth year. DOC estimates 41 percent (304) would have a prior conviction and 30 percent (92) of those would have a prior conviction for a dangerous felony and would serve additional time on their sentence as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 92 offenders.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average length of sentence for an offender convicted of aggravated robbery is 9.19 years and the average post-conviction time served is 5.99 years. Seventy-five percent of the average length of sentence would be 6.89 years (9.19

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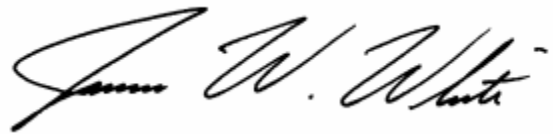
years x 75%). These 92 offenders would serve an additional 0.9 years (an increase from 5.99 years to 6.89 years) as a result of this bill. The cost per offender at 5.99 years is \$130,832.83 (\$59.80 x 2,187.84 days). The cost per offender at 6.89 years is \$150,490.88 (\$59.80 x 2,516.57 days). The additional cost of increasing the average sentence length from 5.99 years to 7.81 years is \$19,658.05 (\$150,490.88 - \$130,832.83). The total additional operating cost for 92 offenders is \$1,808,540.60 (\$19,658.05 x 92).

- Sixty percent of the average length of sentence would be 5.51 years (9.19 years x 60%). No additional incarceration costs for the remaining 212 offenders with prior convictions to serve a mandatory minimum 60 percent of the sentence imposed. These offenders are serving more than 60 percent of the sentence imposed.
- No recidivism discount has been applied since the length of the additional sentence is not sufficient for any re-offenders to serve additional time in the prison system under current law within the time added by this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc